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Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO VENUE

UNITED STATES OF AMERICA,

Plaintiff,

v.

\$20,000 IN UNITED STATES CURRENCY,

Defendant.

No. C 07-1702 TEH

**STIPULATION REQUESTING STAY
OF FORFEITURE PROCEEDINGS**

IT IS HEREBY STIPULATED by and between plaintiff United States of America and prospective claimant Thomas Kelly, through undersigned counsel, that this action be stayed pursuant to 18 U.S.C. § 981(g). Thomas Kelley, the purported owner of the defendant funds, has been indicted in the Northern District of California on mail fraud and security fraud violations in connection with two investment fraud scheme concerning victims throughout the United States, including the Bay Area.. The underlying criminal activity alleged in the criminal case, which is captioned *United States v. Thomas Kelly, et al*, CR 06-00533 SI, forms, in large part, the basis for the forfeiture allegations in the government's complaint for forfeiture. Consequently, the parties agree that a stay in the forfeiture proceeding is appropriate in order to preserve Mr. Kelly's right against self-incrimination in the related criminal matter. In reviewing the docket sheet for the criminal matter, the parties are advised that the


STIPULATION RE STAY OF FORFEITURE PROCEEDINGS
(THOMAS KELLY)

1 matter is currently scheduled for a status conference on July 13, 2007. The parties thus request that
 2 matter be stayed pending resolution of the related criminal prosecution against Mr. Kelley. In addition,
 3 since the criminal matter (which was filed in advance of this action) is currently pending before a
 4 different judge in this district, the parties believe that judicial economy would be best served if the
 5 matters were related to the same judge. To that end, the parties will file (contemporaneously with this
 6 stipulation) a motion seeking the court's determination as to whether the matters should be related and
 7 before one judge. Accordingly, the parties request that the case management conference currently set
 8 for July 2, 2007, at 1:30 p.m. be vacated and that the matter be set for status in approximately 90-120
 9 days.

10 Government counsel states that she had discussed the contents of this statement with Stephen G.
 11 Frye, counsel for Thomas Kelly in the related criminal action. Mr. Frye agrees with the contents of this
 12 statement and, on behalf of Mr. Kelly, has authorized government counsel to sign this stipulation for him.

13 DATED: 6/28/07

DATED: 6/28/07

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 16 STEPHANIE M. HINDS
 Assistant United States Attorney

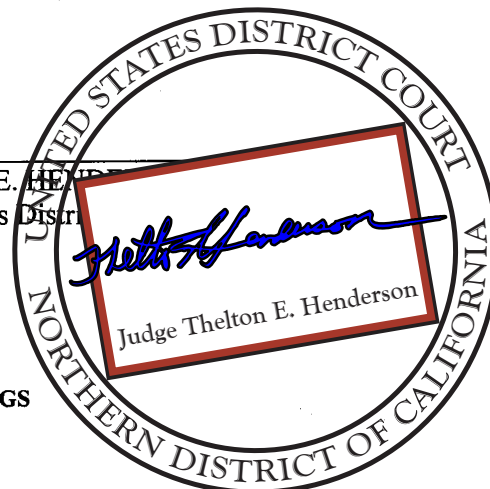
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 16 STEPHEN G. FRYE
 Attorney for Thomas Kelly

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 18 IT IS HEREBY ORDERED:

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 20 Upon the stipulation of counsel, and good cause appearing, the above-entitled civil forfeiture
 21 action is stayed in light of the pending related criminal prosecution of Thomas Kelly. The case
 22 management conference scheduled for July 2, 2007, at 1:30 p.m. is vacated. The matter is continued to
 23 10/22/07 for status.

24
 25 DATED: 06/29/07

26 THELTON E. HENDERSON
 United States District Judge



27
 28 STIPULATION RE STAY OF FORFEITURE PROCEEDINGS
 (THOMAS KELLY)